

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

MILSTEAD & ASSOCIATES, LLC

By: Andrew M. Lubin

Atty. ID: AL0814

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

File No. 226144-6

Attorneys for Secured Creditor: U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2006-AR9

In Re:

John Cosares

Case No.: 19-32739-RG

Chapter 13

Hearing Date: February 19, 2020

Time: 8:30 a.m.

Judge: Rosemary Gambardella

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2006-AR9 (“Secured Creditor”), by its counsel, Andrew M. Lubin, Esquire, of MILSTEAD & ASSOCIATES, LLC, states the following grounds as an Objection to Confirmation of Debtor’s Chapter 13 Plan:

1. On July 19, 2019, Debtor, John Cosares filed a petition pursuant to Chapter 13 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of New Jersey.
2. Secured Creditor is the holder of a first mortgage on real property owned by the Debtor known as and located at 64 Weiss Road, Upper Saddle River, NJ 07458 (the “Property”).
3. Secured Creditor has not yet filed its Proof of Claim in this matter, but anticipates doing so shortly. As such, Secured Creditor reserves the right to supplement this objection.

4. As will be more fully set forth in the aforementioned proof of claim, as of the date of the filing of the instant Chapter 13 petition, total arrears due to Secured Creditor through the Plan at this time are anticipated to be approximately \$142,100.58.

5. Debtor's Chapter 13 Plan proposes a loan modification rather than a cure of prepetition mortgage arrears.

6. Secured Creditor objects in the event that Debtor has not sought application to the Court's Loss Mitigation Program by the time of the confirmation hearing in this matter.

7. Secured Creditor objects in the event that Debtor has been admitted to the Court's Loss Mitigation Program and has failed to timely perform pursuant to an entered Loss Mitigation Order.

8. Secured Creditor objects in the event that Debtor seeks to do a modification outside of the Court's program and does not at the time of the confirmation hearing provide proof of a completed modification packet having been submitted to the secured creditor.

9. Secured Creditor objects in the event that Debtor is not current with adequate protection payments at the time of the confirmation hearing.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Chapter 13 Plan for the reasons hereinabove set forth.

DATED: January 10, 2020

Respectfully submitted
MILSTEAD & ASSOCIATES, LLC

/s/Andrew M. Lubin
Andrew M. Lubin, Esquire
Attorney ID No. AL0814
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400
Attorneys for Secured Creditor

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) MILSTEAD & ASSOCIATES, LLC By: Andrew M. Lubin Atty. ID: AL0814 1 E. Stow Road Marlton, NJ 08053 (856) 482-1400 File No. 226144-6 Attorneys for Secured Creditor: U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2006-AR9	
In Re: John Cosares	Case No.: 19-32739-RG Chapter 13 Judge: Rosemary Gambardella

CERTIFICATION OF SERVICE

1. I, Andrew M. Lubin, Esquire:

☒ represent the Secured Creditor in the above-captioned matter.

☐ am the secretary/paralegal for _____, who represents the
_____ in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On January 10, 2020, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Objection to Confirmation of Chapter 13 Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

DATED: January 10, 2020

/s/ Andrew M. Lubin

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Nancy Isaacson 75 Livingston Avenue Suite 301 Roseland, NJ 07068-3701	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Camille J Kassar Law Offices of Camille Kassar, LLC 271 Route 46 West Suite C-102 Fairfield, NJ 07004	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
John Cosares 64 Weiss Road Saddle River, NJ 07458	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.